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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,732	07/20/2000	GEORGES SMITS	TIENSE RAFF.	8993
27667	7590	01/03/2007		
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			EXAMINER CHUNDURU, SURYAPRABHA	
			ART UNIT	PAPER NUMBER
			1637	
			MAIL DATE	DELIVERY MODE
			01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/600,732	7/20/2000	SMITS GEORGES	TIENSE RAff. 26

EXAMINER

Surya Prabha Chunduru

ART UNIT	PAPER
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1637

20061228

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Commissioner for Patents

The substitute reply brief filed on December 01, 2006 has been entered and considered. With regard to the Appellants' assertions on new reference used in the rejections after the earlier appeal decision (No.2004-1498), it is noted that the new reference showing daily temperature data during 1994, was used in the current rejections for the first time because the Board has suggested (appeal decision No. 2004-1498) that the Examiner has not shown any evidence to support the temperature shall not have dropped below -1 C.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Prabha Chunduru
SURYAPRABHA CHUNDURU 12/28/06
PRIMARY EXAMINER

Suryaprabha Chunduru
Primary Examiner
Art Unit: 1637